

REMARKS

Responding to the Advisory Action of February 10, 2009, Applicant states that the reason for delay in providing the new Rule 131 Declaration was that the back-end server with the majority of data was given away, without consent or knowledge of the Applicant who searched for any material related to the server.

What has been submitted is what he eventually found on diskettes, in a storage area that was examined shortly prior to submission of the new Rule 131 Declaration since he was searching for unrelated items that were typically stored in the area. In other words, a box containing the diskettes was found in an area used to store unrelated objects and were not placed there by Applicant.

Applicant could not originally read the diskettes since the items were of a type that cannot be read on contemporary computer drives. Applicant eventually found a computer that could read the diskettes in a state different from where the diskettes were discovered. What is shown in the last Supplemental Rule 131 Affidavit is data that Applicant managed to retrieve, including photos showing a server that had been used for an actual reduction to practice at the home of the Applicant's father.

Applicant states that the information contained in the last Rule 131 Declaration could not have been provided previously because the information was thought to have been given away.

Favorable action on the Rule 131 that was filed along with the Amendment After
Final Rejection is requested.

Date: March 13, 2009

Respectfully submitted,



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